



Patent  
Attorney's Docket No. 1034296-000604

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of ) **MAIL STOP AMENDMENT**  
Elizabeth Colbert et al. )  
Application No.: 10/824,336 ) Group Art Unit: 1714  
Filed: April 14, 2004 ) Examiner: Callie E. Shosho  
For: COATING FOR WALL ) Confirmation No.: 5383  
CONSTRUCTION )  
)

**Declaration of Jean Michel Faure Under 37 CFR § 1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Jean Michel Faure, hereby declare to the best of my recollection under penalty of perjury as follows:

1. I am an employee of Lafarge Research Centre.

2. I am a graduate of University of Lyon, obtaining a degree in Chemistry in 1987. After obtaining my degree, I obtained status of Polymer Chemists through the Lyon institute. I worked as a research chemist for seven years in a large pharmaceutical company before joining Lafarge Research Centre in 1999. I am currently employed by Lafarge as a Research Chemist and I am responsible for various projects funded by Lafarge Gypsum to develop jointing compounds and coatings for plasterboards.

3. I have read and reviewed Thaler (USPN 4,859,248).

4. A coating composition was made and its viscosity was measured both in Brabender units and in cps, in order to demonstrate that 1 Brabender unit ≠ 1 cps.

5. A composition was prepared with the following components:

Ingredient	Weight (kg)	Proportion (wt.%)
Water	572.5	25.91
Defoamer BYK 022	2.2	0.1
Defoamer BYK 024	2.2	0.1
Bicarbonate	0.6	0.03
Acumer 9400, dispersant	78.0	3.53
Clay	35.0	1.58
White mica	48.0	2.17
ASE-60 thickener	3.0	0.14
Preservative	0.8	0.04
Calcium carbonate	1400.0	63.37
AC-360 resin (binder)	67.1	3.04
Total	2209.4	100

This composition is hereafter termed the "*undiluted composition*"; it is a composition according to an embodiment of the presently claimed invention.

6. Just prior to application on boards in a plant, 7 wt.% water is usually added to the undiluted composition. This provides the hereafter termed "*diluted composition*", which is also a composition according to an embodiment of the presently claimed invention.

#### Brabender viscosity

7. The viscosity was first measured at 25°C using a Brabender viscometer with a 250 centimeter-gram torsion head operated at 75 rpm, pursuant to the protocol provided in Attard (USPN 5,336,318). See column 5, lines 56-65.

8. The results were the following:

Undiluted composition: Brabender viscosity = zero.

Diluted composition: Brabender viscosity = zero.

JMB

Viscosity in cps

9. The viscosity was then measured according to the method set forth in the present application (see paragraph 32), using a Brookfield viscometer at 25°C with T-bar spindle No. S 91 at 100 rpm.

10. The results were the following:

Undiluted composition: Brookfield viscosity = 1130 cps.

Diluted composition: Brookfield viscosity = 306 cps.

Conclusion

11. The above results demonstrate that the Brabender method is inappropriate for fluid-type compositions such as the presently claimed composition, and that 1 Brabender unit ≠ 1 cps. Consequently, the viscosity of the paste-like joint compound of Attard (of 400-700 Brabender units) is considerably higher than a viscosity from about 250 to about 1200 cps.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 10001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 3rd September 2007

By: \_\_\_\_\_

JEAN MICHEL FAURE

